

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

DANIEL AUSTIN DUNN  
a/k/a Whiskey.Tango10  
a/k/a Osama bin Drinkin  
a/k/a @SirAustinOfDunn

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SEALED

No. 4:20CR

Judge

142  
Jordan

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

**FILED**

**JUN 11 2020**

**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

**GENERAL ALLEGATIONS**

At all times material to the Indictment:

1. On May 25, 2020, George Floyd died while in custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and actions of the Minneapolis Police Department came under intense national public scrutiny. Almost immediately after Mr. Floyd's death, protests began in Minneapolis and subsequently spread to cities throughout the nation including in the Dallas-Fort Worth area. Among the numerous lawful protests around the country, there have occurred violent illegal acts such as assaults against police officers, and the destruction of public and private property that meet the definition of a riot and have also impeded the ability of citizens to peaceably assemble to petition the government for a redress of grievances.

2. On May 31, 2020, Governor Greg Abbott declared a State of Disaster in Dallas and throughout all counties in Texas following “threats and incidents of violence in several cities across Texas that have endangered public safety. . . .”

3. The defendant, **Daniel Austin Dunn (Dunn)**, resided in Bartonville, Texas, in Denton County, located in the Eastern District of Texas. **Dunn** controlled a Facebook (FB) account Whiskey.Tango10, display name “**Austin Dunn**” and Twitter account in the name of “Osama bin Drinkin” @SirAustinOfDunn. FB users 1, 2, 3, 4, and 5 were FB user accounts known to the Grand Jury, and Twitter users 1 and 2 were Twitter user accounts known to the Grand Jury.

4. **Dunn** had approximately 1,843 FB friends, and **Dunn’s** FB user page associated with “**Austin Dunn**” was not private. In other words, the public was able to view **Dunn’s** FB posts.

5. **Dunn** had approximately 2,683 Twitter followers, and **Dunn’s** Twitter account in the name of “Osama bin Drinkin” @SirAustinOfDunn was not private; therefore, the public was able to view **Dunn’s** Twitter posts.

6. The “Boogaloo movement” was a term used by mostly white racially motivated violent and anti-government extremists to signify a coming civil war and a collapse of society. Hawaiian flowers and shirts along with igloos were often associated with the Boogaloo movement.

7. Facebook and Twitter were internet based communication platforms and facilities used in interstate commerce that were accessed by computer, smartphone, and

other devices that connected to the internet, and allowed users to, among other things, post messages to the public using unique screen names.

8. Between in or around November 2014 through in or around April 2020, **Dunn** was under supervision by the office of probation in Denton County related to criminal charges in Lubbock, Texas. **Dunn** tested positively for marijuana and cocaine on numerous occasions while under supervision. On or about June 9, 2020, **Dunn** possessed marijuana and drug paraphernalia (i.e. a bong) at his residence located in the Eastern District of Texas.

9. On or about May 29, 2020, at approximately 11:12 AM, **Dunn** posted to FB "I hope they burn that entire city [referring to Minneapolis] to the ground."

10. On or about June 1, 2020, at approximately 10:52 AM, **Dunn** posted to FB "Civil unrest is what's need to start a revolution, and civil unrest is what these protests are turning into every night. I love it." In response to **Dunn**'s post, FB user 1 commented "We need organize. They got no plan." **Dunn** replied "if they were Hong Kong level organized, some shit would get done pretty quickly." FB user 1 responded "tonight at 6:30 we gonna be at the Dallas police station. We need help focusing people's rage away from the community and towards the proper location."

11. On or about June 1, 2020, at approximately 3:53 PM, **Dunn** posted to FB, "Get this out to EVERYONE! Riot cops can't keep up the oppression if they can't see. Paint bombs (water-balloons with thick paint), blind riot cops and slicken their gear. It's an effective tactic." Alongside the post, **Dunn** included a photo of police officers in riot gear covered in paint splatter.

12. On or about June 2, 2020, at approximately 12:08 PM, **Dunn** posted to FB a black and white striped flag with an igloo and Hawaiian flowers (indicative of Boogaloo ideology) together with 10 other pictures some of which included what appeared to be civilians in tactical gear with assault weapons. One of the photos showed a male wearing a skull mask holding an assault style weapon with the caption, “Stay strapped and protect the protestors from law enforcement #JusticeForGeorge.” **Dunn** posted these photos alongside another post by FB user 2, which stated “I would like to talk to you about the Boogaloo movement, if you will hear me out...”

13. On or about June 2, 2020, **Dunn** posted to Twitter, “Y’all are advancing in the wrong direction. When the tear gas and flash bangs come out, you push forward.” **Dunn’s** Twitter post was accompanied by a video of protesters being dispersed by police with tear gas.

14. On or about June 2, 2020, **Dunn** posted to Twitter, “Why wasn’t this cop shot immediately?” **Dunn’s** Twitter post was in response to Twitter user 1’s post, “This video of Grand Rapids PD firing a tear gas canister at an unarmed man (right after they maced him) point blank to the face needs to VIRAL. what in the actual fuck are these pigs doing.” The video showed a man advancing towards police in riot gear who subsequently sprayed the man with pepper spray and fired tear gas towards him.

15. On or about June 3, 2020, at approximately 9:28 AM, **Dunn** posted to FB, “Why are people being killed after being arrested...period? That sounds wrong for both colors.” **Dunn** posted this in response to FB user 3’s post that stated:



For every 10,000 black people arrested for violent crime, 3 are killed  
For every 10,000 white people arrested for violent crime, 4 are killed  
I'm going to keep retweeting this until someone can explain to me  
how this is possible if there is truly pervasive racial bias in policing

16. On June 3, 2020, at approximately 9:41 AM, **Dunn** posted to FB, “We won’t ask the national government for military help... but we’ll sure as fuck use the national guard that’s already here. Fuck you I hope you get a flat tire and fall out of your wheelchair and no one’s there to help you back up.” This post accompanied a photo of Governor Greg Abbott and a photo of President Donald Trump along with a link to a news article titled “Gov. Greg Abbott: State will not ask for U.S. Military help because ‘Texans can take care of Texas.’”

17. On June 3, 2020, at approximately 10:58 AM, **Dunn** posted to FB the following:

So far I’ve seen people shot in the head and eye with rubber bullets, directly and not from a ricochet or bounce, tear gas canisters shot directly at people from point blank range, and children being maced and tear gassed. Why aren’t more cops being shot? Why aren’t people actually fighting back? You want cops to stop doing this shit, but you roll over immediately and let them. The cops won’t use a peaceful protest to get us to stop doing something they don’t like, they’ll tear gas, mace, and shoot you instead. Time for us to do the same. If you’re a cop and don’t like that I suggest you find a new profession, one where you don’t get to escalate force because you felt like it, because I don’t fucking care.

In response to the **Dunn**’s above post, FB user 4 stated “I concur.” FB user 1 commented “Hmu [hit me up] if help is needed.”

18. On or about June 3, 2020, at approximately 12:42 PM, **Dunn** posted to FB, “Start shooting back.” **Dunn’s** FB post accompanied a video of what appeared to be police officers in riot gear, fire tear gas on a group of protestors.

19. On or about June 3, 2020, at approximately 9:33 PM, **Dunn** posted to FB, “If I ever stand face to face with this president, I’d bitch slap him.” **Dunn’s** FB post accompanied a post made by President Donald J. Trump.

20. On or about June 4, 2020, **Dunn** posted to Twitter “I almost went to prison for 10-15 years back in 2012 because I shot and killed someone. Do I deserve to be murdered by the cops?”

21. On or about June 5, 2020, at approximately 8:05 AM, **Dunn** posted to FB, “All 16 of them should be lined up and shot like the dogs they are. They very clearly have no regard for life, so they don’t deserve theirs anymore.” **Dunn’s** FB post accompanied a video of what appeared to be police officers in riot gear pushing an older man to the ground.

22. On or about June 5, 2020, at approximately 12:16 PM, **Dunn** posted to FB in response to FB user 5’s post, “what did these people do, standing on the porch of their own home, for the cops to be fed up like your last justification? Make an excuse for them, please. This is why I say to shoot cops, they’re absolute thugs and criminals and they can do this with impunity.” **Dunn’s** FB post accompanied a video of police shooting what appears to be a paintball gun at people who refused to go inside their house.

23. On or about June 5, 2020, at approximately 7:35 PM, **Dunn** posted to FB, a reference to persons who were wearing Boogaloo paraphernalia, “I want everybody to

understand this. And anyone participating in protests and riots to know and tell anyone who doesn't see it here, these guys are there to help. They're on your side. Their entire ethos is to protect you from the state, the government, the police, the military, and anybody else who stands against civilians. THEY ARE YOUR FRIEND. THEY ARE THERE TO PROTECT YOU, THE CIVILIAN." **Dunn's** FB post accompanied a screenshot of another FB user's post that stated "If you doubted me after my last video, here's a "racist" boogaloo gun nut. . . ." The picture with this post showed a white male with a gas mask on in what appears to be a Hawaiian shirt while carrying an assault rifle and pistol. Below the picture are the words "Thicc Boog Line."

24. On or about June 5, 2020, **Dunn** posted to Twitter, "Every single cop that saw this, walked past/over him, or didn't do anything to stop the other cops should be lined up and shot along with the two that pushed that old man. This video is quite literally exactly what is being protested against." **Dunn's** Twitter post accompanied a video showing police in riot gear pushing an older man down.

25. On or about June 6, 2020, at approximately 6:55 AM, **Dunn** posted to FB, "They should all be lined up and shot." **Dunn's** FB post was accompanied by a link to an article titled "57 Buffalo cops resign from response team after officers suspended for shoving 75-year old man to ground."

26. On or about June 6, 2020, **Dunn** posted to Twitter, "LINE THEM UP AND SHOOT THEM" in response to Twitter user 2's post that stated, "The LAPD shot a homeless man in a wheelchair in the face" along with two pictures of a man in a wheel

chair with a bloody eye. Police officers can be seen in the background of one of the photos.

27. On or about June 9, 2020, **Dunn** possessed the following firearms: (1) Taurus Millenium PT 140 Pro .40 caliber handgun, serial # SES45244; (2) J.C. Higgins 12 gauge shotgun, model 60; and (3) Savage .270 caliber rifle, bolt action Axis model, serial #H382688.

**Counts One through Seven**

Violations: 18 U.S.C. § 875(c)  
(Threats)

28. The Grand Jury realleges the allegations contained in Paragraphs 1 through 27 of the General Allegations of this Indictment and further alleges the following.

29. On or about the following dates at the approximate times, in the Eastern District of Texas and elsewhere, the defendant, **Daniel Austin Dunn**, with the intent to make a true threat and with knowledge that the communication would be understood as a true threat, transmitted in interstate and foreign commerce, through the following internet communication platforms, the following threats to injure police officers who were responding to civil unrest:



Count	Date	Internet Communication Platform	Threat to Police Officers
1	June 3, 2020 @ 10:58 am	Facebook	“So far I’ve seen people shot in the head and eye with rubber bullets, directly and not from a ricochet or bounce, tear gas canisters shot directly at people from point blank range, and children being maced and tear gassed. Why aren’t more cops being shot? Why aren’t people actually fighting back? You want cops to stop doing this shit, but you roll over immediately and let them. The cops won’t use a peaceful protest to get us to stop doing something they don’t like, they’ll tear gas, mace, and shoot you instead. Time for us to do the same. If you’re a cop and don’t like that I suggest you find a new profession, one where you don’t get to escalate force because you felt like it, because I don’t fucking care.”
2	June 3, 2020 @ 12:42pm	Facebook	“Start shooting back.”
3	June 5, 2020 @ 8:05 am	Facebook	“All 16 of them should be lined up and shot like the dogs they are. They very clearly have no regard for life, so they don’t deserve theirs anymore.”
4	June 5, 2020 @ 12:16pm	Facebook	“what did these people do, standing on the porch of their own home, for the cops to be fed up like your last justification? Make an excuse for them, please. This is why I say to shoot cops, they’re absolute thugs and criminals and they can do this with impunity.”
5	June 5, 2020	Twitter	“Every single cop that saw this, walked past/over him, or didn’t do anything to

			stop the other cops should be lined up and shot along with the two that pushed that old man. This video is quite literally exactly what is being protested against.”
6	June 6, 2020 @ 6:55 am	Facebook	“They should all be lined up and shot.”
7	June 6, 2020	Twitter	“LINE THEM UP AND SHOOT THEM”

Each count in violation of 18 U.S.C. § 875(c).

### Count Eight

Violation: 18 U.S.C. § 922(g)(3)  
(Possession of a Firearm by a User of a  
Controlled Substance)

30. The Grand Jury realleges the allegations contained in Paragraphs 1 through 27 of the General Allegations of this Indictment and further alleges the following.

31. On or about June 9, 2020, in the Eastern District of Texas and elsewhere, the defendant, **Daniel Austin Dunn**, knowing that he was an unlawful user of a controlled substance as defined in Title 21 United States Code, Section 802, did knowingly possess in and affecting interstate and foreign commerce the following firearms: (1) Taurus Millenium PT 140 Pro .40 caliber handgun, serial # SES45244; (2) J.C. Higgins 12 gauge shotgun, model 60; and (3) Savage .270 caliber rifle, bolt action Axis model, serial #H382688.

In violation of 18 U.S.C. § 922(g)(3).

**NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE**


As a result of committing the offenses as charged in this Indictment, defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 875(c); and, pursuant to 18 U.S.C. 924(d) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. 922, including but not limited to:

- (1) Taurus Millenium PT 140 Pro .40 caliber handgun, serial #SES45244;
- (2) J.C. Higgins 12 gauge shotgun, model 60; and
- (3) Savage .270 caliber rifle, bolt action Axis model, serial #H382688.

A TRUE BILL.

  
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GRAND JURY FOREPERSON

STEPHEN J. COX  
UNITED STATES ATTORNEY

  
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CHRISTOPHER A. EASON  
Assistant United States Attorney

Date 6/11/20

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FOR THE EASTERN DISTRICT OF TEXAS  
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v.	§	No. 4:20CR
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a/k/a Whiskey.Tango10	§	
a/k/a Osama bin Drinkin	§	
a/k/a @SirAustinOfDunn	§	

**NOTICE OF PENALTY**

**Counts One through Seven**

Violation: 18 U.S.C. § 875(c)

Penalty: For Each Count: Imprisonment for not more than five years, a fine not to exceed \$250,000, or both, and a term of supervised release of not more than three years.

Special  
Assessment: For Each Count: \$100.00

**Count Eight**

Violation: 18 U.S.C. § 922(g)(3)

Penalty: Imprisonment for not more than ten years, a fine not to exceed \$250,000, or both, and a term of supervised release of not more than three years.

Special  
Assessment: \$100.00